

1 JOHN M. APPELBAUM
2 Chief of Enforcement
3 **FAIR POLITICAL PRACTICES COMMISSION**
4 428 J Street, Suite 620
5 Sacramento, CA 95814
6 Telephone: (916) 322-5660

7 Attorney for Complainant

8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
9 **STATE OF CALIFORNIA**

10
11 In the Matter of) FPPC No. 05/548
12)
13)
14 BARWEST LLC,)
15) STIPULATION, DECISION and
16 Respondent.) ORDER
17)
18)
19)
20)
21)

22
23 Complainant, Mark Krausse, Executive Director of the Fair Political Practices Commission, and
24 Respondent, Barwest LLC, hereby agree that this stipulation will be submitted for consideration by the
25 Fair Political Practices Commission at its next regularly scheduled meeting.

26 The parties agree to enter into this stipulation to resolve all factual and legal issues raised in this
27 matter, and to reach a final disposition without the necessity of holding an administrative hearing to
28 determine the liability of Respondent.

1 Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural
2 rights set forth in sections 83115.5, 11503 and 11523 of the Government Code, and in sections 18361.1
3 through 18361.9 of title 2 of the California Code of Regulations. This includes, but is not limited to, the
4 right to personally appear at any administrative hearing held in this matter, to be represented by an
5 attorney at Respondent's own expense, to confront and cross-examine all witnesses testifying at the
6 hearing, to subpoena witnesses to testify at the hearing, and to have an impartial administrative law
7 judge preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

8 It is further stipulated and agreed that Respondent Barwest LLC violated the Political Reform
9 Act by failing to file a late contribution report by the October 19, 2004, due date, in violation of section
10 84203, subdivision (a) of the Government Code (1 count), and by failing to timely file a major donor
11 campaign statement by the January 31, 2005, due date, in violation of section 84200, subdivision (c) of
12 the Government Code (1 count), as described in Exhibit 1. Exhibit 1 is attached hereto and incorporated
13 by reference, as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in
14 this matter.

15 Respondent agrees to the issuance of the decision and order, which is attached hereto.
16 Respondent also agrees to the Commission imposing upon it an administrative penalty in the amount of
17 Six Thousand Five Hundred Dollars (\$6,500). A cashier's check from Respondent in said amount, made
18 payable to the "General Fund of the State of California," is submitted with this stipulation as full
19 payment of the administrative penalty, and shall be held by the State of California until the Commission
20 issues its decision and order regarding this matter. The parties agree that in the event the Commission
21 refuses to accept this stipulation, it shall become null and void, and within fifteen (15) business days
22 after the Commission meeting at which the stipulation is rejected, all payments tendered by Respondent
23 in connection with this stipulation shall be reimbursed to Respondent. Respondent further stipulates and
24 agrees that in the event the Commission rejects the stipulation, and a full evidentiary hearing before the
25 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,
26 shall be disqualified because of prior consideration of this stipulation.

1 Dated: _____

2 Mark Krausse

3 Executive Director

4 Fair Political Practices Commission

8 Dated: _____

9 Michael Malik, on behalf of

10 Barwest LLC, Respondent

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

IT IS SO ORDERED.

Liane M. Randolph, Chairman
Fair Political Practices Commission